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Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women
Sixty-third session

Summary record of the 1382nd meeting
Held at the Palais Nations, Geneva, on Friday, 19 February 2016, at 3 p.m.

Chair: Ms. Hayashi

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Seventh and eighth periodic reports of Mongolia (continued)

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined seventh and eighth periodic reports of Mongolia (continued) (CEDAW/C/MNG/8-9; CEDAW/C/MNG/Q/8-9 and Add.1)

1. *At the invitation of the Chair, the delegation of Mongolia took places at the Committee table.*

Articles 7 to 9 (continued)

2. **Ms. Gantuya** (Mongolia) said that children born outside Mongolia to a Mongolian citizen and a foreign spouse could choose their nationality when they reached 18 years of age. Before that time, the mutual agreement of both parents was required in order to register them as Mongolian citizens. Dual citizenship was not recognized in Mongolia given the size of the population and for reasons of national security.

Articles 10 to 14

3. **Ms. Patten** said that the Committee would appreciate more information on how the State party was promoting the equal participation of women in highly skilled professions and management positions and what was being done to end occupational segregation. The annulment in 2008 of certain labour regulations had lifted the prohibition of certain types of employment of women in industries such as mining, construction and transport. She wondered whether the Government was considering introducing affirmative action policies in order to increase the number of women in fields in which they were underrepresented.

4. It was commendable that the State party was reviewing its Labour Law and strengthening its legal framework for occupational safety and health. There were, however, still significant shortcomings in the labour inspection system due to the privatization of State-owned companies and the sharp increase in the number of self-employed persons. She wished to know what was being done to strengthen labour inspection capacity and whether the status of implementation of the State Policy on Informal Employment had been assessed, and, if so, what lessons had been learned. Given that women's business opportunities were often limited due to the difficulties that they encountered in accessing financial credit, she would like to know if concrete measures were being taken to promote self-employment and business ownership among women, including improving their access to capital. It would be useful to hear about what the Government was doing to close the large, increasing gender pay gap in many industries and to ensure that women were paid the same as men for work of equal value. It was unclear whether mechanisms were in place to adjudicate on wage discrimination matters. She would like to know if there were plans to review the Pension Law in order to ensure that it was not used to force women into early retirement against their will. In relation to the new regulations on pensions and benefits, introduced in 2012 and 2014, it would be helpful to see available data on how many women had benefitted from them.

5. **Ms. Arocha Domínguez** said that the reduction of the maternal and infant mortality rates was an important achievement. In the replies to the list of issues (CEDAW/C/MNG/Q/8-9/Add.1) it was mentioned that new legislation on abortion had been introduced in 2014. The implications of the law should be clarified. In particular, she wished to know whether it was linked in any way to the significant increase in the birth rate in recent years. While it was commendable that the State party had a positive

relationship with the United Nations Population Fund (UNFPA), it was important to ensure that a sustainable supply of contraceptives and the teaching of sexual education in schools were not dependent on funding from the Fund.

6. It was also crucial to guarantee that sexual health services were available to unmarried women and to women from the lesbian, gay, bisexual and transgender (LGBT) community and that medical professionals were properly trained to deal with their needs. Data on the incidence of breast and uterine cervical cancer in the country and the respective mortality rates would be appreciated. Despite the ratification and subsequent amendment of a law designed to protect the rights of HIV-positive individuals, information had been received by the Committee to indicate that discrimination still occurred against those persons in practice, especially in the context of employment. What was being done to monitor implementation of the law and to prevent discrimination in the labour market?

7. **Ms. Bailey** said that, despite a robust legal and policy framework for education, it was clear that discrimination was still experienced by girls and women in certain areas. Adolescent girls who fell pregnant were often stigmatized and forced to drop out of school and there was no policy to keep them in education. She would like to know if the education provided to young mothers in the lifelong education centres was of the same quality, and provided the same employment opportunities, as mainstream schools. She wondered whether it was possible for the young mothers to be reintegrated into the mainstream education system at any point.

8. She was concerned about the high rate of adolescent pregnancy in the State party. In the concluding observations of the Committee on the Rights of the Child (CRC/C/MNG/CO/3-4), that Committee had noted that sexual violence against minors was prevalent within families. In addition, alternative sources had indicated that sexual harassment was also a problem in educational institutions, especially those in rural areas. She asked what was being done to resolve that problem and to ensure that the perpetrators of sexual violence were punished appropriately. In the light of the information provided in the replies to the list of issues on the revision of sexual and reproductive health curricula in schools, she would like to know if there was a plan to make the curricula more gender specific and to cover subjects such as gender relations and responsible sexual behaviour. Information on the measures taken to promote inclusive and accessible education for girls with disabilities would be helpful. In addition, she was concerned about the accessibility of centres of special education in rural areas and would welcome information on any steps being taken to improve it.

9. **Ms. Altanjargal** (Mongolia) said that the principle of non-discrimination was enshrined in various laws in Mongolia, including the Constitution. The Labour Law was being amended to include a specific provision to prohibit discrimination in the labour market and harassment in the workplace. There were also plans to introduce harsher penalties for violations of the provisions of the Law, including monetary fines. The Law on Occupational Safety and Health had been revised in 2015 and, following the amendments made, businesses were required to have an in-house specialist available to conduct training on occupational health and safety. Amendments had also been made, in 2016, to legislation aimed at supporting small businesses and creating a more favourable environment for economic growth. The National Human Rights Commission had conducted a study on the issue of the gender pay gap in Mongolia and its findings had been reflected in the amendments made to the Labour Law. The provisions on women's right to equal remuneration under the Convention were directly reproduced in the amendments to the Labour Law.

10. **Ms. Oyunkhand** (Mongolia) said that Mongolia had implemented policies intended to boost the birth rate and, in its efforts to achieve the Millennium Development Goals, the Government had focused on the issue of abortions. In

particular, the legalization of abortion in 1996 ensured that the procedure was conducted in an appropriate medical environment. There had been a significant increase, of around 5 per cent, in abortions in the last 10 years. The Government had introduced changes to the curricula in schools and set up clinics for adolescents in all provinces, where contraceptives were distributed, in order to improve the country's sexual and reproductive health. An estimated 77 per cent of the population of Mongolia had access to contraception and public funding was provided to cover the costs of contraceptives. Screening for cervical and other forms of cancer, such as breast cancer, were carried out by trained health-care professionals in an effort to reduce the incidence of those cancers. A campaign had also been led to vaccinate adolescents against human papillomavirus. A large number of activities had been carried out in the field of women's reproductive rights, focusing on health care during pregnancy, often in collaboration with civil society partners, and on providing counselling, guidance and regular health check-ups for all women. Women with babies up to the age of 8 months were encouraged to breastfeed in the workplace and their right to do so was protected under labour legislation.

11. **Mr. Rentsenkhand** (Mongolia) said that several courses taught in secondary schools covered the subject of contraception and reproductive health. The Government had taken appropriate measures to address the problem of teenage pregnancy and school dropout. Informal education was provided for children who had dropped out of mainstream education through the lifelong education centres. There were 330 such centres located in 11 different provinces. The centres also provided training on reproductive health, the prevention of domestic violence and gender equality.

12. **Ms. Hofmeister** said that more information on the access of women with disabilities to the labour market would be appreciated. In particular, she would be interested in hearing about any publicly funded training to prepare them for employment and provide them with assistance in the workplace in order to promote inclusion and equality.

13. **Ms. Schultz**, welcoming the introduction of legislation prohibiting gender-based discrimination in employment, pointed out the importance, and difficulty, of ensuring its implementation in practice, specifically in respect of women from minority groups, such as lesbian, bisexual and transsexual women, women with disabilities and women from ethnic minorities. In the light of reports of difficulties encountered by women from minority groups in accessing health services, notably where sexual and reproductive rights were concerned, how did the Government intend to provide training to ensure that staff were prepared to meet their needs? Reports indicated that there had been cases of forced abortions and sterilization of women with disabilities, in clear violation of their rights. She would be interested to know whether the Government had a timetable for the revision of legislation that permitted such practices and the implementation of training to raise the awareness of medical personnel.

14. **Ms. Patten** said she would like to know when the new Labour Law would be adopted. She would welcome more specific responses to her earlier questions concerning the real situation in respect of occupational segregation and affirmative action in specific sectors and whether labour inspections had been scaled up. The three-phase adoption of the new policy on the informal sector was a promising development but it would be interesting to know whether its implementation had been assessed. She would welcome information on ways in which women were encouraged to set up their own businesses, whether attention had been paid to possible abuse of the early retirement age for women, whether new policies were envisaged to help parents achieve a life-work balance and what was being done to promote gender equality in the private sector.

15. **Ms. Pimentel**, noting that the recent amendments to the Criminal Code covered offences based on sexual or gender identity, said she commended the State Party on being the first country in the Asia and Pacific region to outlaw hate crimes and hate speech. The Government might usefully collaborate with NGOs to develop measures to train health and education professionals to integrate that approach into their daily work.

16. **Ms. Altanjargal** (Mongolia) said in respect of employment programmes that, of the more than 166,000 persons who had found permanent jobs through the Ministry of Labour employment programme by the end of 2015, 44 per cent were women. A job creation scheme for persons with disabilities, with funding amounting to more than 700 million tugriks, had already helped over 4,000 persons in 2015 and would be continued. The small loans programme had provided support for 1,700 persons, including 800 women, and a programme aimed at herders had reached more than 4,400 persons, of whom nearly half were women.

17. Once the Government had finished discussing the amendments to the Labour Law, the bill would be passed on to parliament and was expected to be adopted during its spring session. The amendments included measures to address and prevent sexual harassment at work, and would allow employees to file complaints without any fear of reprisal. Paternity leave was provided for and the sharing of childcare duties encouraged. Employment contracts could not be cancelled during either maternity or paternity leave.

18. **The Chair** said she would welcome information on the effect of the earlier age of retirement for women and the childcare provision available to help working parents.

19. **Ms. Altanjargal** (Mongolia) said that the age of retirement was 60 years for men and 55 for women, if they had contributed to the social insurance fund for at least 20 years. Any woman who was forced to retire before that time could complain to the courts.

20. **Ms. Oyunkhand** (Mongolia) said that forced abortion and sterilization of persons with mental disabilities were not legal. A 2015 amendment to a Ministry of Health order that had previously required simply the consent of the woman's guardian meant that, if a pregnant woman with mental disabilities was considered incapable of looking after the child, a termination could only be carried out if the woman herself consented. Legislation on health insurance adopted in 2015 provided for home-based medical care where appropriate, including for persons with disabilities. Although the needs of persons with disabilities and lesbian, bisexual and transgender persons were not addressed specifically in courses for all health service staff, gynaecologists and specialists in male health did receive such training.

21. **Ms. Zou** Xiaoqiao said she would be interested to hear how gender perspectives were included in recent policy developments and how women, especially poor rural women and women with disabilities, were empowered to participate fully in their implementation. It seemed that the country's economic growth had increased the gap between rich and poor rather than helped to eradicate poverty. She would like to see figures on the number of women and children living in poverty and information on the results of programmes that targeted the needs of poor women, particularly the funding available to women who wanted to set up their own businesses but did not have the collateral to access bank loans. Given the cuts in community-based services resulting from the economic crisis, had any surveys been carried out to assess their impact on persons with disabilities, who were theoretically guaranteed certain benefits and services?

22. **Ms. Jahan**, noting that the nomadic lifestyle made rural women particularly vulnerable to poverty and gender violence, said she would like to see disaggregated

data on their access to education, health care and other resources in the next periodic report. Recognizing the State party's action to bring the plight of rural women to the attention of the world by sponsoring a resolution of the General Assembly of the United Nations, she would welcome information on any national strategy that addressed their needs, the proportion of the national budget devoted to them and funding for projects that targeted them. Details of action taken to improve the level of women's participation in elected bodies, including how the recommended 40 per cent quota at local level was implemented, would also be useful. The harmful environmental consequences of mining exploration, which led to internal migration, particularly affected women; what institutional mechanisms existed to offset them and how was access to the infrastructure that came with such development ensured for the local community? Given that land ownership remained male-dominated, it would be interesting to know what was being done to raise awareness of women's property and land rights under the Constitution. The telemedicine network seemed a promising development, but were mobile clinics being introduced? Since the country had an extreme climate and was at risk of natural disasters, it would be interesting to know what economic and social provision was being made to address the specific risks facing rural women and how they were encouraged to participate in the relevant planning.

23. **Ms. Ameline** said she would like to hear about the Government's plans to address the problem of environmental migration from countryside to cities that resulted from desertification.

24. **Ms. Oyunkhand** (Mongolia) said that the Government endeavoured to provide acceptable levels of health-care services throughout the country. Support from the World Bank, Luxembourg and China had allowed it to make telemedicine diagnostics available in all 21 provinces and an e-health programme would be introduced over the next five years to ensure access to primary health care for all, regardless of place of residence. During particularly severe winters when people were forced to migrate, they received targeted health-care services and supplies, such as hay, from the Government. In respect of women's reproductive rights, there were 370 maternity facilities throughout the country where women could go to prepare for childbirth.

25. **Ms. Rentsenkhand** (Mongolia) said that there were 78,000 registered single mothers in Mongolia, who received social welfare and child benefit. Women with disabilities received disability benefits. Although the amount paid had not decreased, it was not sufficient for the medication or services that such women needed. With support from the World Bank, the Government was conducting a survey into the effectiveness of the welfare system. Meanwhile, since January 2015, a full retirement pension had been paid to members of national minorities, such as the reindeer herders of the north of Mongolia.

26. It was indeed the case that rural women lacked knowledge of gender equality. The Government had therefore carried out a survey in September-October 2015 in three provinces in western Mongolia on meeting the requirements for gender equality under the Convention. A gender equality programme had subsequently been developed.

27. A sustainable artisanal mine project was in place, with support from the Swiss Agency for Development and Cooperation, with a view to improving social protection policies and social welfare for artisanal miners.

28. **Ms. Oyunkhand** (Mongolia) said that the greatest challenge facing the health sector was migration due to climate change. Every organization in Mongolia was required to carry out a risk management assessment and plan accordingly. The national agency responsible for disaster management worked with the police on risk reduction.

In 2012 and 2015, risk assessment had been conducted in 30 districts. Rules were established at every level of administration in the event of national disaster or environmental change.

29. **Ms. Bolormaa** (Mongolia) said that everyone had an equal right to the ownership of land and the Government was taking measures to increase the capacity of vulnerable women in that regard. In 2014, it had launched a strategy on increasing women's participation and leadership in economic and social life. Under the recently adopted development policy and planning legislation, long-term planning was projected for 30 years and sectoral policies for 10 years, with a review every 5 years. A national programme on gender equality under the Act was currently in preparation.

Articles 15 and 16

30. **Ms. Leinarte**, addressing issues under article 15 of the Convention, said that one in three adolescent girls did not know how to protect themselves against unwanted pregnancies, one of the main reasons being the lack of access to contraceptives and sex education. She asked what the situation of single mothers was in Mongolia and what financial assistance they could expect from the State. She wondered whether a young mother could place her child with a State-run orphanage as a last resort; according to alternative reports, State orphanages and foster homes were reluctant to accept such children.

31. She asked how the revised Family Law protected single women after divorce. According to the State party report, female-headed households made up 76.2 per cent of all households headed by one person, while, according to other sources, 90 per cent of single mothers lived below the poverty line. Moreover, between 2009 and 2014, there had been almost 7,000 cases in which fathers had been ordered to pay alimony or child support, yet only one third had actually done so. Mothers were left with only US$ 10 social welfare payments per month to live on and she asked how the Government intended to change the situation and force fathers to pay child benefit.

32. She asked how a divorced woman was guaranteed a fair division of land following a divorce, especially in rural areas, when such land was registered in the name of the husband.

33. **Ms. Oyunkhand** (Mongolia) said that the number of teenage pregnancies had undoubtedly increased, but that was partly due to the fact that pregnancy and birth had become safer. At the same time, there was a need to improve young people's behaviour and provide information on health. Health education classes were therefore conducted in schools and clinics were held in rural areas for adolescents. Student Health Month had been established and counselling centres had been set up in students' dormitories to provide help with reproductive issues. The Government aimed to take further action on reproductive health and also to create a healthy environment at the workplace.

34. **Ms. Gantuya** (Mongolia) said that, in order to ensure that fathers paid alimony and child benefit, amendments had been made to the Criminal Code and the Code of Criminal Procedure. Amendments to the Family Law, which dated from 1999, would be discussed in the parliament, with new regulations to force fathers to pay their dues.

35. **Ms. Rentsenkhand** (Mongolia) said that the Law on Childcare Services had come into force at the beginning of 2016. The Law had enabled 31,413 parents who could not combine child-rearing with work to send their children to kindergartens.

36. **Ms. Leinarte** said that her question had related not to the prevention of pregnancy but to the Government's approach to the difficult situation of single mothers, especially very young mothers.

37. **Ms. Gabr** said that she would appreciate an answer to her question about the relationship between the country's women's mechanism and parliament and about how that mechanism would promote all the amendments mentioned by the delegation that would benefit women. She also asked whether the Government planned to submit the Committee's concluding observations to the parliament.

38. **Ms. Jahan** recalled that she had asked whether the development policies at national and regional level targeted rural women and whether they were allocated a sufficient budget. She also wished to know whether there was a specific gender component in the country's disaster-risk reduction and management strategy.

39. **Ms. Altanjargal** (Mongolia) said that a fund established under the Law on Childcare Services provided support for child-rearing and specific programmes to support teenage mothers.

40. **Ms. Rentsenkhand** (Mongolia) said that vulnerable people, including vulnerable mothers, received State support. Those living below the poverty line were given food vouchers. The benefits were not sufficient for single mothers, but at least they made some contribution to the mothers' welfare.

41. **Ms. Gabr** said that some laws were still before the parliament and she asked whether the Government would take action to make sure that amendments would benefit women. She also asked what programmes existed to create awareness among NGOs and the public and promote such legislation.

42. **Ms. Narangerel** (Mongolia) said that there were many laws awaiting adoption by the parliament and she wondered which ones Ms. Gabr had in mind.

43. **Ms. Schulz** asked whether the State party had a mechanism to revise all forthcoming legislation to make sure that it was compatible with the gender equality provisions of the Mongolian Constitution and the Convention.

44. **Ms. Rentsenkhand** (Mongolia) said, in reply to Ms. Gabr, that the Law on Gender Equality of 2011 established the relations between the National Committee on Gender Equality and the parliament. The Committee was required to report to the parliament every two years on action to promote gender equality and the parliament would make decisions on that basis. Such a report would be made in 2016. She added that 11 members of the Committee had been elected to parliament in 2012 and they worked closely with the women's caucus in the parliament.

45. **Ms. Narangerel** (Mongolia) said that amendments to the Labour Law and the Law on Combating Domestic Violence were before the parliament and it was hoped that they would be adopted in the spring of 2016. Legislation on programmes to benefit rural women, with a particular focus on employment, would also be adopted.

46. **The Chair** said that the State party should inform the Committee in writing about the other issues raised by Ms. Gabr.

The meeting rose at 5.10 p.m.